

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF <Enter County>**

Date:

Judicial Officer:

Deputy Clerk:

In the matter of:

No.

INITIAL TERMINATION HEARING

Parties Present:

<Enter party>

<Enter party>

This is the time set for the **INITIAL TERMINATION HEARING** on a <motion / petition> for termination of parental rights filed <Date of motion / petition filing>.

Open Proceedings:

- ☐ The Court determines that the proceeding is to remain open to the public and admonishes attendees that they shall not disclose identifying information about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explains contempt of court to all attendees and possible consequences of violating a court order.
- ☐ **The Court orders** that the proceeding be closed based on the following: <Enter reason(s) that proceeding should be closed>.

Attorney/GAL Contact with Child Client:

- ☐ The Court confirms that the <Attorney or GAL> for the child <has/has not> met with his/her client(s) before this hearing. A.R.S. § 8-221 (J).
- ☐ Child's right to be heard: The Court determines that the child has been informed of and understands their right to attend their Court hearings and speak to the judge.

Documents Reviewed: The Court has received and reviewed the following documents: <Names of specific documents>. The Court determines that the investigation and report ordered by the Court <has / has not> been completed and provided to all parties.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, [25 U.S.C. §1901](#) et seq. <does / does not> apply.

Service and Jurisdiction: The Court determines that service of the motion <Enter whether service complete> as to <Applicable parent/guardian>, <Enter parent> of <Applicable child>.

- ☐ **The Court orders** the petitioner to complete service and continues the hearing to <Enter date, time and location of continued ITE. May also want to include the continued hearing information under “Future Hearings” section of this minute entry.>
- ☐ The Court finds that <Enter parent> had notice of the hearing and that the notice advised of the consequences of not appearing at this hearing.
- ☐ The Court finds that <Enter parent> <has / have> failed to appear without good cause.
- ☐ The parent, Indian custodian and the tribe have <Enter whether notice proper or waived>.
- ☐ The State of Arizona, by and through the Arizona Department of Economic Security, is authorized to initiate this dependency proceeding pursuant to [A.R.S. §8-201](#) et seq. [A.R.S. §8-501](#) et seq. and [A.R.S. §8-802](#) et seq.
- ☐ The Court has exclusive original jurisdiction over the subject matter pursuant to [A.R.S. §8-802](#), and venue is appropriate in <Enter county> **County** pursuant to [A.R.S. §8-206](#).

Counsel: Appointment of counsel is made/affirmed at this time for the following:

<Applicable counsel>, <Enter counsel type>;
<Applicable counsel>, <Enter counsel type>;
<Applicable counsel>, <Enter counsel type>.

The <Enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The <Enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

Parental Admonition: The Court admonishes the <Enter parent> that:

- Failure to attend future hearings without good cause shown may result in a finding that they have waived their legal rights and are deemed to have admitted the allegation(s) in the motion / petition.
- The termination adjudication hearing may go forward in their absence and may result in the termination of their parental rights.

The Court finds that the <Enter parent> was advised of the consequences of their failure to appear.

The Court reads to and provides the parent, guardian or Indian custodian with a copy of Form 3, and requests that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided.

Plea: The <Enter parent> enters a plea of <Enter plea> to the allegations contained in the <motion / petition>.

- ☐ The Court advises <Enter parent> of their rights to: counsel; cross examine witnesses; trial by the Court on the motion / petition; use the process of the Court to compel witness attendance and the right to a trial by a judge.
- ☐ The Court determines that the <Enter parent> understands their rights.
- ☐ The Court advises the <Enter parent> of the consequences of their plea of <Enter plea><Enter plea>.
- ☐ The Court determines that the plea of the <Enter parent> <was / was not> made knowingly, intelligently and voluntarily.
- ☐ Because the parent(s) has denied the allegations made in the privately filed petition for termination of parental rights, **the Court orders** <Name of applicable agency> to complete a social study. The Court assesses the cost of this social study to <Name of applicable party>.
- ☐ The court provides foster parents, shelter care facility, receiving foster home, pre-adoptive parents or a member of the child's extended family with whom the child has been placed and/or identified as a possible placement an opportunity to be heard.

Testimony:

<Any evidence and testimony presented before the Court> The Court has also considered any substantiated finding of abuse or neglect from another state.

- ☐ The Court takes ICWA testimony pursuant to [AZ.R.Juv.Ct. 66\(C\)](#).

Findings and Orders:

- ☐ The Court, having considered the <motion / petition> dated <Date filed>, the testimony presented, the social study filed pursuant to [A.R.S. §8-536](#), and the <Enter plea> of the <Enter parent>, as well as the best interests of <Applicable child>, denies the <motion / petition> for Termination of the

Parental Rights at this time. **The Court orders** ADES to submit a revised case plan prior to the next Review Hearing.

- ☐ The <Enter parent>, having denied the allegations of the <motion / petition> filed on <Date of motion/petition filing>, **the Court sets this matter for:**
MEDIATION on <Date, time and location of this hearing>;
PRETRIAL CONFERENCE on <Date, time and location of this hearing> before the Honorable <Enter Name of Judge / Commissioner / Hearing Officer>.
- ☐ The Court, having considered the <motion / petition> dated <Date filed>, the testimony presented, the social study filed pursuant to [A.R.S. §8-536](#), the plea of <Enter plea> made by the <Enter parent>, as well as the best interests of <Applicable child>, finds by <Enter burden of proof> that:

<Applicable child> <was a resident / were residents> of the State of Arizona at the time that the <motion / petition> was filed and, therefore, The Court has jurisdiction.

The <Enter parent> <was / were> properly served with notice of these proceedings and <has / have> <Enter whether defaulting or admit / no contest>.

The following grounds for termination of parental rights have been proven by clear and convincing evidence: <Enter specific grounds in support of termination>.

Petitioner has proven by a preponderance of the evidence that termination of the parental rights would be in the best interests of <Applicable child>.

The Court finds the Department has made reasonable efforts to place siblings together or establish a plan for frequent visitation between siblings unless frequent visitation or ongoing contact between siblings is contrary to the children's safety or wellbeing.

ICWA: The Court determines that:

- ☐ Notice to the tribe has been given;
- ☐ Pursuant to [25 U.S.C. §1912](#), the Court is satisfied that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful.
- ☐ The Court further finds by evidence beyond a reasonable doubt, including testimony from a qualified expert witness, that continued custody of the

child by the parent(s) or Indian custodian is likely to result in serious emotional or physical damage to the child.

- ☐ The placement is in accord with the placement preferences set forth in [25 U.S.C. §21-1915](#) or there is good cause to deviate from these preferences.

The Court, therefore, orders terminating the parental rights of <Name of applicable parent>, as to <his / her> child <Applicable child>.

The Court, therefore, orders terminating the parental rights of <Name of applicable parent>, as to <his / her> child <Applicable child>.

- ☐ The Court appoints <Name of applicable guardian> as guardian for <Applicable child> and vests legal custody of <Applicable child> in <Applicable person or authorized agency>.

The court orders that <Applicable person or authorized agency> shall be responsible for the financial support of <Applicable child>.

Future Hearings: The Court sets/affirms the following hearings:

- ☐ <Enter hearing type> as to <Enter parent> is set for <Date, time and location of this hearing>.
- ☐ The Court vacates the <Enter hearing type> set for <Enter date, time and location of this hearing>.
- ☐ The Court admonishes the <Enter parent> that:
- Failure to attend further proceedings without good cause may result in finding that the parent has waived legal rights and is deemed to have admitted the allegations in the motion/petition for termination;
 - Failure to attend further proceedings may result in proceedings going forward in their absence;
 - Failure to participate in reunification services may result in the termination of their parental rights.
 - The Court may read to and provide the parent, guardian or Indian custodian with a copy of Form 3, request that the parent, guardian or Indian custodian sign and return a copy of the Form and note on the record that the Form was provided.
- ☐ The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to appear.

Dated: _____

<Judge / Commissioner / Hearing Officer> of the Superior Court